

No. 1-13-0587

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

DONNA M. BETTS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 12 CH 23596
)	
ILLINOIS DEPARTMENT OF ASSISTANCE)	
HEARINGS,)	Honorable
)	Thomas Allen,
Defendant-Appellee.)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Presiding Justice Connors and Justice Hoffman concurred in the judgment.

ORDER

- ¶ 1 **Held:** Plaintiff's appeal of the dismissal of her complaint for administrative review is dismissed where plaintiff failed to comply with the supreme court rules governing appellate review.
- ¶ 2 On June 27, 2012, in the circuit court of Cook County, plaintiff Donna M. Betts filed a *pro se* complaint for administrative review from a decision of the Illinois Department of Human Services (DHS) reducing her monthly benefit amount under the Supplemental Nutrition Assistance Program (SNAP), by \$7. The circuit court dismissed plaintiff's complaint with prejudice, and plaintiff now appeals that ruling *pro se*.
- ¶ 3 The common law record filed on appeal shows that plaintiff was awarded \$200 per month in SNAP benefits for the certification period of September 2011 through June 2012. On February 23, 2012, DHS notified plaintiff that it recalculated her SNAP benefits to be \$193 per month based

on an increase in her monthly income, and that she would continue to receive these benefits through June 2012. On March 23, 2012, plaintiff mailed a notice to the "Bureau of Assistance Hearings" appealing the reduction in her SNAP benefits, and maintaining that the benefits should have been certified for 24 months.

¶ 4 On June 6, 2012, the Secretary of DHS issued a final administrative decision upholding the reduction in benefits. The Secretary explained that her SNAP benefits were reduced because her social security disability benefits had been increased, but that the approval period was extended through August 2013. The Secretary thus concluded that the issue regarding plaintiff's SNAP approval period was moot.

¶ 5 On June 27, 2012, plaintiff filed a complaint for administrative review naming the "Illinois Department of Assistance Hearings, *et al*," as defendant, and seeking the issuance of summons to that department. On August 13, 2012, DHS filed a motion to file its answer in administrative review *instante*, which was granted by the court on August 21, 2012. Copies of this motion and answer were not included in the record.

¶ 6 On September 10, 2012, plaintiff filed a motion to vacate the August 21, 2012, order, alleging, *inter alia*, that counsel for DHS indicated that there is no administrative law agency known as the Illinois Department of Assistance Hearings (Assistance Hearings), and that she was not informed of that until August 21, 2012. She further alleged that she has received decisions in this matter from Assistance Hearings, and it has mishandled her appeals. She claimed that DHS tricked her by directing her to forward her appeals to a non-existent administrative law agency which issued a fraudulent decision; and maintained that DHS had failed to answer and plead, and thus, each fact asserted by her is judicially admitted. Plaintiff also requested punitive damages.

¶ 7 In its response, DHS maintained that the Administrative Review Law requires that summons be issued to the administrative agency that issued the decision sought to be reviewed. DHS argued that it was never properly served in this case where plaintiff named "Assistance Hearings" as

defendant. DHS noted that on August 21, 2012, the Attorney General appeared for DHS, plaintiff appeared *pro se*, and plaintiff did not object to the court granting its motion to file an answer in administrative review *instantly*. DHS thus alleged that plaintiff failed to plead an abuse of discretion by the court in allowing DHS to file its answer *instantly*, and did not explain why she objected in her motion to vacate when she failed to do so previously. DHS further noted that plaintiff did not assert how she had been prejudiced by any delay in the filing of its answer, and requested that plaintiff's motion be dismissed with prejudice.

¶ 8 On November 1, 2012, the circuit court denied plaintiff's motion to vacate the August 21, 2012 order. On January 17, 2013, after the matter was fully briefed and oral argument was presented, the court dismissed plaintiff's complaint with prejudice.

¶ 9 Plaintiff now appeals from the circuit court's January 17, 2013 order contending, *inter alia*, that DHS judicially admitted each of her allegations where it failed to respond to her administrative appeal; and that DHS defaulted. She also complains of the circuit court judge who presided over these proceedings, and asserts conspiracies between the judge and DHS. In her brief, plaintiff has also made a number of bare assertions which are predicated on conjecture in violation of the Illinois Supreme Court rules governing appellate review.

¶ 10 The purpose of Supreme Court Rule 341 (eff. Feb. 6, 2013) is to require the parties to present clear and orderly arguments so that the reviewing court may ascertain and dispose of the issues involved. *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095 (1993). A plaintiff's *pro se* status does not relieve her of the burden of complying with the rules governing the format for appellate briefs (*Biggs v. Spader*, 411 Ill. 42, 44-46 (1951), *cert. denied*, 343 U.S. 956 (1952)), and where plaintiff fails to articulate an organized and cohesive argument for the court's consideration, the appeal must be dismissed (*Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074-75 (1982)). Here, plaintiff clearly failed to articulate an organized and cohesive legal argument for our consideration causing her appeal to be dismissed. Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013); *Bank*

of Ravenswood, 104 Ill. App. 3d at 1074-75.

¶ 11 As for plaintiff's complaint against the circuit court judge who entered the "unfavorable" orders against her, we note that judges are immune from liability for acts committed while exercising the authority vested in them. *Grund v. Donegan*, 298 Ill. App. 3d 1034, 1039 (1998). We find no exception here, and thus conclude that the circuit court judge is immune from liability for the orders entered and decisions he made regarding plaintiff and her case.

¶ 12 Plaintiff also complains in her reply brief of a prior order entered by this court in *Betts v. Riley*, 2013 IL App (1st) 123001-U (unpublished order under Supreme Court Rule 23). This is not the proper forum to contest that decision as our previous ruling is binding on this court. See *Long v. Elborno*, 397 Ill. App. 3d 982, 989 (2010). Parties who are dissatisfied with our decision can obtain redress by filing a petition for rehearing in this court or appealing to the supreme court, both of which, we observe, plaintiff unsuccessfully pursued.

¶ 13 For the foregoing reasons, we dismiss plaintiff's appeal.

¶ 14 Appeal dismissed.